

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the IRON WORKERS)	
TRI-STATE WELFARE FUND,)	
MID-AMERICAN PENSION FUND,)	
and MID-AMERICA SUPPLEMENTAL)	
MONTHLY ANNUITY FUND)	
)	
Plaintiffs,)	Case No. 10 cv 7398
)	
)	Judge Hibbler
)	
v.)	
)	
SECURITY FENCE CO., and)	
JEFFREY COLE, individually)	
)	
Defendant.)	

Motion for Entry of Supplemental Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of supplemental judgment and in support Plaintiffs state:

1. This is an ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On January 13, 2011 this Court entered a Judgment Order against the Defendant for its failure to answer to the complaint. (Exhibit A)
3. The Judgment Order directed the Defendant, among other things, to submit reports and contributions. The Court retained jurisdiction to enter a final judgment for the contributions and shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)
4. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed. The amounts owed are set forth on Schedule 1, attached to Exhibit B, affidavit of Timothy Elliott.

5. The Defendant owes liquidated damages on the unpaid ERISA contributions pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). The amounts owed are set forth on Schedule 1, attached to Exhibit B, affidavit of Timothy Elliott.

6. The Defendant owes the sum of \$1,559.25 for necessary and reasonable attorney fees which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of \$56,440.43 as to Security Fence Co., only.

Respectively submitted,

s/ DANIEL P. MCANALLY
Attorney for Plaintiffs

Whitfield McGann & Ketterman
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
312/251-9700